



Scottish Government
Riaghaltas na h-Alba
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Commissioning celebrities or influencers for external engagement

Risk Assessment, Protocol and Guidance Document

October 2021

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Protocol

1. Purpose

The Scottish Government and other public bodies may, from time to time, benefit from the involvement of celebrities and influencers in external engagement and communication. This document outlines the necessary protocols and process that should be followed in these circumstances.

2. Scope

The scope of this document covers the involvement of any celebrity or influencer for the purposes of external engagement and communication carried out by public sector organisations and agencies. This includes for the purposes of endorsement, promotion, support and spokesperson.

3. Responsibilities

Within each organisation the responsibility to enforce and follow this protocol shall sit with the communication department or commissioning manager, with support from the appropriate legal adviser where required. Where deemed necessary, organisations should seek support from the Scottish Government central Communications Division for advice.

4. Process

(i) initial scoping stage

Consideration should be given to what a celebrity/influencer involvement will achieve, with a detailed brief being agreed on expected outcomes, mitigations and requirements. This brief should include clear guidance on the behaviours and conduct expected of any 'talent'. As a minimum, the requirements included in Annex A should be sought.

(ii) Shortlisting talent

From the brief, you or your appointed external agencies should scope out suitable talent to form an initial shortlist of options. At this stage the following basic checks should be carried out:

- Analysis of historic public facing material involving the talent (including social media presence, video footage, public speaking, news coverage). An allowance of 3 days minimum should be allowed for to ensure this review is conducted thoroughly. Social media presence and activity should be reviewed from the date the celebrity/influencer joined the platforms i.e. Twitter, Instagram.
- Gathering intelligence from SG Head of Marketing and the wider network of SG's roster agencies to ascertain whether any previous concerns have been raised in relation to the talent being considered.

- A background check should be completed to ascertain if the talent has a criminal record. This may not preclude you from working with the individual, but it is important that any offence is understood fully and accepted before a decision is made to proceed

(iii) Internal validation

Before engaging with celebrities or influencers or their agents we recommend that you share your shortlist internally at a senior level within your organisation to ensure there are no organisational issues with the proposed talent.

(iv) Conduct proportionate detailed due diligence on preferred talent/agent

If you are a public body approaching a celebrity/influencer and decide that you want to proceed, they will be paid by public funds. This, alongside the need to protect reputation and credibility of message, will dictate the need for additional checks and contract requirements. We recommend you are clear of this requirement from the outset.

Providing the agency/talent meets the brief fully and an acceptable remuneration is agreed, a legal contract should be drawn up. An example contract template is included in Annex B. Within this contract the following underwriters questions must be included:

All TV productions are covered by various insurance policies. As such, we are required by the underwriters to ask the below questions. This is in order that we may underwrite the risk accordingly and make all appropriate arrangements to ensure both your and others' safety and that the production can be completed within the required timescales.

1. Over the past three years, have you ever been prevented from working for any reason that could reoccur and adversely affect this production?

YES NO

2. By representing this product in this commercial*, do you know any reason from your past or present personal, professional or financial affairs (e.g. a relevant criminal offence not spent under the provisions of the Rehabilitation of Offenders' Act 1975) why your appearance would/could bring conflict, public disgrace or ridicule to the product/agency/ advertiser?

YES NO

3. Are there any facts about yourself, your potential participation and/or participation in this production which could have an adverse bearing or effect on this production?

YES NO

Additional mandatory questions

1. Have you ever created, published, shared or commented on, any social media content on your personal or professional channels that could bring public disgrace or ridicule to, or otherwise adversely affect, the product/service/campaign/agency/advertiser?

YES NO

2. Have you ever created, published, shared or commented on any content in any channel (print or online or otherwise) which would be likely to be classed as an offence under The Hate Crime and Public Order (Scotland) Act 2021 (the "Hate Crime Act") (irrespective of whether the Hate Crime Act was in force at the time of such creation, publication, sharing or commentary)?

YES NO

The contract, when completed, should be reviewed by the communications team involved. We recommend that a member of your legal team also review the contract if the remuneration is of high value or the talent in question is high-profile or perceived as presenting some risk.

The fee paid to the talent will, in all circumstances, be required to be made public.

If, at any stage of this process, concerns are raised about an individual's suitability to be engaged in publicly-funded engagement and communications activity, this should be notified to the SG Head of Marketing. This will allow this intelligence to be considered as part of any future due diligence processes.

5. Mitigations

If due diligence has been completed in full, there should be no reputational risk or issues. If however, new information comes to light or the celebrity/influencer involved does then act in a way which brings the communication or organisation into disrepute, you must act immediately.

Alert the communications function within your organisation and senior officials. Agree a proportionate response and plan for handling, including lines to take and where required seek Ministerial approval.

If appropriate speak with the agent/talent to ascertain the facts and confirm next steps.

In the case of gross misconduct it may be appropriate to withhold remuneration. You must also inform the Scottish Government Director of Communications.

Annex A – list of behaviours

Celebrities or influencers should not be engaged if they are or have displayed any of the hate crime characteristics included in the Hate Crime and Public Order (Scotland) Act 2021 - [Hate Crime and Public Order \(Scotland\) Bill](#) [Hate Crime and Public Order \(Scotland\) Act 2021 \(legislation.gov.uk\)](#). Hatred offences will apply in relation to the characteristics of age, disability, religion, sexual orientation, transgender identity and variations in sex characteristics. The Act re-states the existing standalone offences of stirring up racial hatred and of racially aggravated harassment.

Annex B – Contract template



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